

REMARKS

This is responsive to the Office Action mailed on June 6, 2007. In the Office Action, claims 14-16 and 18-20 were rejected and claims 1-13 and 17 were withdrawn as being directed to a non-elected species.

Applicants note that claims 1-13 and 17 are allegedly directed to a non-elected species. However, upon allowance of the generic independent claim 14, Applicants respectfully request that that claims 1-13 and 17 which were withdrawn from consideration, be considered and allowed based upon the allowability of generic claim 14.

The Office Action rejected claims 14-16 and 18-20 under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,421,635 (herein after the Reinsch patent) in view of U.S. Patent No. 6,890,022 (herein after the Doncov patent). The Office Action alleges that the Reinsch patent discloses a vehicle having a roof assembly for an opening 13 and said roof comprising a plurality of closer elements 10a-d, such closure elements are at least moveable between a closed position for closing the roof opening and an open rearwardly displaced position substantially below the fixed roof (FIG. 5), wherein the roof assembly further comprises at least one common longitudinal guide track 18 extending at least along the roof opening, said closure elements being guided by said longitudinal guide track by means of slide shoes 22,24. The Office Action alleges that the Reinsch patent discloses guide tracks including storage tracks (the non-linear track parts of FIG. 5) opening into the guide track from below in order to accommodate the slides of the closure elements so as to stack the closure elements one above the other in their open position below the fixed roof. The Office Action states that the Reinsch patent fails to disclose side sections in sliding engagement. The Office Action alleges that the Doncov patent teaches a vehicle roof assembly wherein the closure elements 23, 25 have side sections 273,503, the side section of two adjacent closure elements being in sliding engagement with each other when these adjacent closure elements are in a stacked position.

Applicants respectfully disagree that the combination of the Reinsch patent in view of the Doncov patent makes independent claims 14 and 18 obvious. An element of claim 14 includes that the closure elements have side sections where the side sections of two adjacent closure

elements are in sliding engagement with each other when the adjacent closure elements are in a stacked position. Independent claim 18 also includes as a claim element that the closure elements having side sections where the side sections of two adjacent closure elements are in sliding engagement with each other when the adjacent closure elements are in a stacked position. There is no disclosure in either the Reinsch patent or Doncov patent of such a stacked arrangement having a slidable engagement between the adjacent closure elements.

Rather, the panel 23 is lifted upward to enable the panel to move over the panel 25 (see Col. 5, lines 29-34). The slide shoes of both the panels 23 and 25 remain in the normal guidetrack, and therefore, the slide shoes of these panels will remain one behind the other and the support structures will come into engagement when the panel is moved backward over the panel 25. In FIG. 17, it is shown that a transversely projecting pin 523 which is at the front end of the rear drive block 503 of the panel 25 comes into engagement with a generally C-shaped mount 525 of a locking member section 527 of the front carrier 273 of the panel 23. Bearing a very short sliding movement of the panel 23, the support members of the panels 23 and 25 are locked and the panels are then moved further back as the unit. Therefore, there are no side sections of the two adjacent elements which remain in sliding engagement with each other when these adjacent enclosure elements are in a stacked position as recited in independent claims 14 and 18.

Consequently, the Doncov patent fails to teach the missing features from claims 14 and 18 as alleged in the Office Action. Therefore, independent claims 14 and 18 are in allowable form. Reconsideration and allowance of claims 14 and 18 are respectfully requested.

The Office Action also rejected claims 15, 16, 19 and 20 as being obvious over a combination of the Reinsch patent in view of the Doncov patent. While Applicants do not acquiesce to the rejections of claims 15, 16, 19 and 20, the rejections are moot in light of the fact that independent claims 14 and 18 are in allowable form. Since claims 14 and 18 are in allowable form, it follows that dependent claims 15, 16, 19 and 20 are also in allowable form. Reconsideration and allowance of claims 15, 16, 19 and 20 are respectfully requested.

For the foregoing reasons, Applicants submit that the present application is in allowable form. Reconsideration and allowance of the present application are respectfully requested.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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